

**RECORDING REQUESTED BY**  
 CITY OF SAN DIEGO  
 DEVELOPMENT SERVICES  
 PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-3454

COASTAL DEVELOPMENT PERMIT NO. 147134  
 SITE DEVELOPMENT PERMIT NO. 389939  
**STEBBINS RESIDENCE [MMRP] - PROJECT NO. 51076**  
 CITY COUNCIL

This Coastal Development Permit No. 147134 and Site Development Permit No. 389939 are granted by the City Council of the City of San Diego to DAVID STEBBINS, AN INDIVIDUAL, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708, and 126.0504. The 0.057-acre project site is located at 5166 West Point Loma Boulevard in the RM 2-4 Zone, Coastal Overlay Zone (appealable-area), Coastal Height Limit Overlay Zone, First Public Roadway, Beach Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and the 100-year Flood-plain Overlay Zone, within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan (LCP). The project site is legally described as Lot 14, Block 90 of Ocean Bay Beach Map No. 1189.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing one-story duplex, and construct a new, three-story single family residence above basement garage, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 22, 2007, on file in the Development Services Department.

The project shall include:

- a. The demolition of an existing one-story duplex;
- b. Construction of a 1,749-square-foot, three-story single family residence above 816 square-foot basement garage consisting of:
  - 1) 1,749-square-foot of habitable living area.
  - 2) 816-square-foot, basement garage and storage area.

- 3) 619-square-foot decks and 250-square-foot first floor patio.
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Deviation to the Special Flood Hazard Area regulations as follows:
  - Allow development of the residential structure, to be at 7.1 feet below the Base Flood Elevation where two (2) feet above the Base Flood Elevation is required.
- e. Off-street parking;
- f. The construction of six-foot high retaining walls along the sides of the proposed subterranean garage.
- g. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action following all appeals.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.

5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

11. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.
12. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in MITIGATED NEGATIVE DECLARATION, NO. 51076, shall be noted on the

construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in MITIGATED NEGATIVE DECLARATION, NO. 51076, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first building permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: Historical Resources (Archaeology).

14. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

15. Prior to demolition of the existing single family residence, notice shall be given to the San Diego Air Pollution Control District (SDAPCD) regardless of whether any asbestos is present or not.

**ENGINEERING REQUIREMENTS:**

16. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

17. Prior to the issuance of any construction permit the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

18. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Maintenance and Removal Agreement, for proposed sidewalk underdrain in the West Point Loma Boulevard right-of-way.

19. Prior to the issuance of any building permit, the applicant shall enter into an agreement to indemnify, protect and hold harmless City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of the receipt of runoff or flood waters due to the construction of a basement garage.

20. Prior to occupancy, the applicant shall process a "Non Conversion Agreement" for the garage and storage area, subject to inundation.

21. The applicant shall floodproof all structures subject to inundation. The floodproofed structures must be constructed in a manner satisfactory to the City Engineer.

**GEOLOGY REQUIREMENTS:**

22. An updated geotechnical report will be required as construction plans are developed for the project. Additional geotechnical information such as verification of existing soil conditions

needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.

**LANDSCAPE REQUIREMENTS:**

23. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

**PLANNING/DESIGN REQUIREMENTS:**

24. No fewer than two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

25. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

26. Prior to the issuance of any building permits, the Owner/Permittee shall grant to the San Diego County Regional Airport Authority an aviation easement for the purpose of maintaining all aircraft approach paths to Lindbergh Field. This easement shall permit the unconditioned right of flight of aircraft in the federally controlled airspace above the subject property. This easement shall identify the easement's elevation above the property and shall include prohibitions regarding use of and activity on the property that would interfere with the intended use of the easement. This easement may require the grantor of the easement to waive any right of action arising out of noise associated with the flight of aircraft within the easement.

27. Prior to submitting building plans to the City for review, the Owner/Permittee shall place a note on all building plans indicating that an aviation easement has been granted across the property. The note shall include the County Recorder's recording number for the aviation easement.

28. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

**INFORMATION ONLY:**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.

**ATTACHMENT 9**

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on May 22, 2007 by Resolution No. XXXX.

Permit Type/PTS Approval No.: CDP 147134, SDP 389939  
Date of Approval: May 22, 2007

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

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Laila Iskandar  
Development Project Manager

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1180 et seq.**

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The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Owner/Permittee

By \_\_\_\_\_  
David Stebbins

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